

REMARKS

Claims 1-20 are all the claims presently pending in the application. Claims 1-10 are amended to more clearly define the invention and claims 11-20 are added. Claims 1-10 are independent.

Applicant thanks Examiner Backer for the courtesies extended to the Applicant's representative during a personal interview on December 22, 2003. During the personal interview, Examiner Backer agreed that the claims appear to distinguish over the applied references.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1-10 stand rejected under 35 U.S.C. § 102(a) as being anticipated by the Rowney et al. reference (U.S. Patent No. 5,996,076).

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

A first exemplary embodiment of the claimed invention, as defined by independent claim 1, is directed to a merchandise transaction method in an on-line shopping system. The method includes an intermediary receiving information about an electronic mall keeper to which a user desires transaction, information about commodities to be purchased by the user, and a packet and executing an order and payment of commodities to an electronic mall keeper

in behalf of the user, and the intermediary receiving a secret decryption key for the packet transmitted from the user in exchange of the commodities and then obtaining a credit card number of the user by deciphering the packet cipher.

A second exemplary embodiment of the claimed invention, as defined by independent claim 2, is directed to a merchandise transaction method in an on-line shopping system. The method includes, at a first transaction between a user which desires to purchase commodities and an intermediary, an intermediary receiving information about an electronic mall keeper to which the user desires transaction, information about commodities to be purchased by the user, and a packet and executes an order and payment of commodities to an electronic mall keeper in behalf of the user, the intermediary receiving a secret decryption key for the packet transmitted from the user in exchange of the commodities and then obtains a credit card number of the user by deciphering the packet cipher, the intermediary recording a credit card number of the user acquired through decryption of the packet, at the second or later transaction between the user which desires to purchase commodities and the intermediary, the intermediary receiving information about an electronic mall keeper to which the user desires transaction and information about commodities to be purchased by the user and then executing an order and payment of the commodities to an electronic mall keeper in behalf of the user, and the intermediary acquiring a credit card number of the user based on the intermediary recording.

A third exemplary embodiment of the claimed invention, as defined by independent claim 5, is directed to an intermediary information processing system which intermediates between a user and an electronic mall keeper in an on-line shopping system. The system includes a merchandise order receiver for receiving an order of a commodity from a user, the

commodity order including information about a desired electronic mall keeper and information about a commodity to be purchased, a packet receiver for receiving a packet transmitted by the user in the merchandise order by the merchandise order receiver, a merchandise order transmitter for ordering the commodity by specifying the intermediary as a merchandise shipping destination to the electronic small keeper, based on information received by the merchandise order receiver, a credit card number notifier for notifying the electronic mall keeper of the credit card number of the intermediary to pay for a merchandise order by the merchandise order transmitter, a merchandise receiver for receiving the commodity shipped by the electronic mall keeper, a merchandise shipper for shipping the commodity received by the merchandise receiver to the user, a secret decryption key receiver for receiving a secret decryption key transmitted from the user, in exchange of reception of the commodity, and a cash/commission receiver for acquiring a credit card number by deciphering the packet cipher with the secret decryption key received by the secret decryption key receiver and then receiving a cash and commission of the commodity with the credit card number.

Conventional on-line shopping methods and systems require the customer and merchant (e.g., electronic mall keeper) to trust each other. Specifically, one conventional method and system requires the user to transmit the user's credit card number to the merchant and then wait for the arrival of the ordered commodity. In this instance, the user is required to trust the merchant to deliver the ordered commodity and not to use the credit card number in an unauthorized transaction.

Another conventional method and system is a collect-on-delivery system where the user is not required to pay the merchant until after the user actually receives the ordered

commodity. However, this requires the merchant to trust the user to actually pay for the commodity even though the user has already received the commodity.

In stark contrast and as explained at the personal interview, the present invention solves these problems by providing methods and systems which provide an intermediary between the user and the merchant. In this manner, the user can do on-line shopping without directly bargaining or verifying the honesty of a particular merchant and merchants can avoid the risk of a user that does not pay for received merchandise.

II. THE PRIOR ART REJECTION

Regarding the rejection of claims 1-10, the Examiner alleges that the Rowney et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Rowney et al. reference.

As agreed during the personal interview, the Rowney et al. reference does not teach or suggest anything at all regarding an intermediary, let alone a method that includes an intermediary receiving information about an electronic mall keeper to which a user desires transaction, information about commodities to be purchased by the user, and a packet and executing an order and payment of commodities to an electronic mall keeper in behalf of the user; and an intermediary receiving a secret decryption key for the packet transmitted from the user in exchange of the commodities and then obtaining a credit card number of the user by deciphering the packet cipher, as recited, for example, by independent claim 1.

The Rowney et al. reference also does not teach or suggest anything at all regarding an intermediary information processing system which intermediates between a user and an

electronic mall keeper in an on-line shopping system. The intermediary information processing system including a merchandise order receiver for receiving an order of a commodity from a user, the commodity order including information about a desired electronic mall keeper and information about a commodity to be purchased, a packet receiver for receiving a packet transmitted by the user in the merchandise order by the merchandise order receiver, a merchandise order transmitter for ordering the commodity by specifying the intermediary as a merchandise shipping destination to the electronic small keeper, based on information received by the merchandise order receiver, a credit card number notifier for notifying the electronic mall keeper of the credit card number of the intermediary to pay for a merchandise order by the merchandise order transmitter, a merchandise receiver for receiving the commodity shipped by the electronic mall keeper, a merchandise shipper for shipping the commodity received by the merchandise receiver to the user, a secret decryption key receiver for receiving a secret decryption key transmitted from the user, in exchange of reception of the commodity, and a cash/commission receiver for acquiring a credit card number by deciphering the packet cipher with the secret decryption key received by the secret decryption key receiver and then receiving a cash and commission of the commodity with the credit card number, as recited by, for example, independent claim 5.

Rather, the Rowney et al. reference discloses a system and method for certification of electronic commerce. Specifically, the Rowney et al. reference discloses a system and method “for securely transmitting payment information from a customer to a merchant to a payment gateway and returning a certification, including a credit confidence factor to allow a merchant to determine whether to accept or reject payment information.” (Col. 1, lines 10-16).

The Rowney et al. reference refers to Fig. 1B and explains that a “Customer computer system 120 is in communication with merchant computer system 130.” In other words, the customer is required to communicate directly with the merchant. Thus, the Rowney et al. reference actually suffers from the same problems which the present invention solves.

The system disclosed by the Rowney et al. reference requires the user to forward payment information to the merchant and puts the user at risk of a dishonest merchant which may not deliver the commodity that was ordered and may also use the payment information for an unauthorized transaction.

In stark contrast, the present invention uses an intermediary which acts as an intermediary between the user and the merchant. In this manner, the user can do on-line shopping without directly bargaining or verifying the honesty of a particular merchant and merchants can avoid the risk of a user that does not pay for received merchandise.

Further, it is also clear that the present invention obviates the necessity of requiring the payment gateway that is disclosed by the Rowney et al. reference. With the present invention, the merchant does not have to rely upon a separate payment gateway to certify the credit of a particular consumer. Rather, the system disclosed by the Rowney et al. reference could obviate the necessity for a payment gateway by dealing with an intermediary as claimed by the present application.

III. FORMAL MATTERS AND CONCLUSION

Applicant notes that the Office Action does not indicate receipt of the certified copy of the priority document that was filed on February 18, 2001. Applicant respectfully requests that the Examiner indicate receipt of the certified copy of the priority document that was filed

on February 18, 2001.

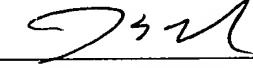
In view of the foregoing amendments and remarks, and in view of the agreement reached during the December 22, 2003 personal interview, Applicant respectfully submits that claims 1-20, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 12/29/03



James E. Howard
Registration No. 39,715

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254